

IN THE UNITED STATES DISTRICT COURT
OF THE SOUTHERN DISTRICT OF OHIO

In Re David C. Ealy
Larry E. Ealy
6508 Spring Street
Douglassville Georgia 30134
Petitioner

vs

Semoine Childs
933 Lindale Ave
Dayton Ohio 45402

Kimberly Harshbarger
380 W Second St
Dayton, OH 45422

Nick Kuntz
380 W Second St
Dayton, OH 45422

Helen Jones
Haines Children's Center
3304 N. Main St.,
Dayton, Ohio 45405

Starlissa Little
Haines Children's Center
3304 N. Main St.,
Dayton, Ohio 45405

Kobi Cooper
Haines Children's Center
3304 N. Main St.,
Dayton, Ohio 45405

Chris Cloud
301 West Third Street
Dayton, OH
45422-0972
Respondents etal

Juvenile Case NO. 2013-2003

3:16-cv-75

Judge Rice

Magistrate Judge Merz

2016 MAR -3 PM 4:15

FILED
CLERK OF COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
DAYTON, OHIO

APPLICATION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Larry E. Ealy, Petitioner, and biological father of David Ealy and files his application for writ of habeas corpus pursuant to Article 1, Section 16, Ohio Constitution, and Chapter 2105, and specifically Articles 1. and 10, Ohio Code of Criminal Procedure, and in support thereof, would show unto the Court the following:

1. Petitioners son was illegally taken at the age of 3 months and has been confined and restrained by the Montgomery County Children Services Department in the City of Dayton Montgomery County, Ohio, the abduction and kidnapping occurred when Agent Nick Kuntz sent 57 State County and Dayton Ohio Police to arrest the Petitioner on April 1 2013 the Judge charged the Petitioner with child neglect and endangerment see Ohio Revised Code 2919.22 Endangering children.
2. Prior to the Petitioners arrest Respondent Kobi Cooper and Detective Swisher of the City of Dayton, Ohio Police Department went over to file a complaint with Juvenile Prosecutor Julie Bruns on 1-17-2013. According to Ms. Bruns on March 2 2016 the complaint was denied on January 17 2013 see **Exhibit A**.
3. The pair stating that the Petitioner had violated **O.R.C. 2151.421** and attempted to report and make false allegations of child abuse or neglect. The false charges where declined as established in **Exhibit A**.

4. Next the Respondents lodged a conspiracy and had Respondent Nick Kuntz stepped outside of his jurisdiction and issued a warrant for the arrest of the Petitioner and the seizure of David Ealy this took place on April 1 2013, ending April 5 2013.
5. As the Petitioner now recall several unidentified agents with their badges hidden attacked the Petitioner on public highway on Melwood and Francis Street in Dayton Ohio, and several uniform Dayton Police and Montgomery County Sheriffs Agents showed up who had participated in the child hunt.
6. Dayton Police Officer Wright, Will S. conspired and wrote several false traffic citations after the Petitioner was abducted by the unknown Agents see **Exhibit B. case 2013 – TRD-004729** this officer was not at the scene nor did he make a stop this sustains the **RICO ACT.**
7. The officer mentioned that the Director of Children Services Helen Jones wanted my son and had got Kick Kuntz to issue civil protection order without notice or due process where he lacked subject matter jurisdiction altogether.
8. The officer then took the Petitioner to the Montgomery County jail and held him on contempt of Court and the Respondents then and there created case number **N0.2013-2003** which had not been generated until that day and time.
9. The charges in **N0.2013-2003** did not state an offence but it had statue **O.R.C. 2151.421** and nothing further because no child endangerment or delinquency had occurred.
10. On April 2, 2013 the Petitioner was brought before Respondent Nick Kuntz, he was silent and the Petitioner had been abducted and kidnapped See Chapter 2901: 2905: **KIDNAPPING AND EXTORTION;**

11. Chapter **2917: OFFENSES AGAINST THE PUBLIC PEACE 2917.01** Inciting to violence. (A) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence, when either of the following apply:
12. 1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed; **2905: KIDNAPPING AND EXTORTION.**
13. On April 2, 2013 Kuntz demanded and threatened the Petitioner with continued jail if he refused to turn his son over to Helen Jones, Kobi Cooper and Starlissa Little, all Respondents in this matter who came to the hearing before Respondent Nick Kuntz taking place on April 2, 2013 and he stated that the son of Larry E. Ealy David Ealy was to be taken in to custody even though no charges had been brought under Juvenile **R. 10.**
14. Prior to the apprehension A temporary restraining order was on appeal to the Hamilton County Court of Appeals sustaining that the Juvenile Division Julie Bruns was are of appeal concerning David Ealy, see **Exhibit C.** Hamilton County Court Docket Sheet.
15. Custody was pending in case **N0. DV1300063.**
16. Briefs were due on April 23, 2013 for the Petitioner.
17. Briefs were due on May 23 for the biological mother Allison V. Childs. See Docket Sheet **Exhibit C.** Appellate case **N0. C-1300075.**

18. Bruns knew of parenting agreement of the biological mother of Allison V. Childs that gave full parenting rights to the Petitioner filed **2-6-2013**, the biological mother having David's last name switched by legal and authentic Birth Certificate stating from Childs to Ealy further indicates illegal intrusion and acts of violence by the Respondents.

Malpractice and Gross Negligence ineffectiveness of counsel

19. We have 2 Counts of Malpractice and Gross Negligence ineffectiveness of counsel, have by State representatives Governor John Kasich Mike DeWine Fred Strahorn has been put on notice of criminal activity in Dayton Ohio, Cincinnati, Butler County, Hamilton County Franklin County Licking County but continues to allow deprivations by arbitrary agents of the State.
20. Strahorn knew of abduction of alleged **MASONIC ORGANIZATION** in Montgomery County under the Montgomery County Prosecutors Mathias Heck Jr. Office had attorney Claypool to fail and Claypool confirmed that he belonged to Shriners with Nick Kuntz, Kuntz who is behind money laundering and embezzlement of County Funds appointing certain attorneys to his Court.
21. Ohio Senate refuses to tackle conspirators and coconspirators under taking kuklklansmen activity pretending to be lawful agents running under Criminal Acts agents in concert under international and marshal laws we have Malpractice of Law and Gross Negligence of both trial attorneys.

22. First Jason Cavinder of Cavinder Law Office, LLC 424 Patterson Rd, Dayton, OH 45419 (937) 751 – 4949 he tried the matter on May 14 2014 hearing before Respondent
23. Harshbarger never raised any issues of false arrest and the fact that Prosecuting attorney Julie Bruns refused and declined to take false allegations.
24. Second attorney Charles Claypool 130 West Second Street Suite 1900 never raised any issues of false arrest and the fact that Prosecuting attorney Julie Bruns refused and declined to take false allegations filed by Respondent Kobi Cooper on January 17, 2013.
25. Clay Pool confirmed while the Petitioner was in Atlanta Georgia in May and June of 2015 that it had been told to him of the abduction by Nick Kuntz sending the undercover agents after Bruns declined to take charges against the Petitioner because no charges existed they took the Petitioner son for profit.
26. Nick Kuntz have been linked to a Ponzi scheme with attorney Ben Swift of Dayton Ohio as well as with Jason Cavinder and Charles Claypool who Kuntz have been assigning these particular attorneys to most of the case load in the Juvenile Division so that they can conspired take children and find in favor of the agency compiling millions in State funding and pay themselves unearned over time from the Montgomery County Treasury Department where Swift has been committing fraud and racketeering filing false income tax returns and engaging in a pattern of practice. See **Exhibit D**.

Conspiracy of Swift

27. Swift walked out on the Petitioner in cases **2003 CRB 9655/9585 State v. Larry E. Ealy** Swift causing him to be found guilty of 18 counts of disorderly conduct March 1, 2004.

See **Exhibit E**. the charges where subsequently over turned by the Court of Appeals and all false charger reversed.

2013-2003

28. The arrest and illegal detention where false involving Dayton police officers as sustained after Julie Bruns refused criminal charges Respondent Chris Cloud who prosecuted the case on May 14 2014 relying on his dark affiliations with the Masonic Order.
29. Cloud even though he was not a part of the Juvenile Prosecutors office which divested the Juvenile Court of Subject matter Jurisdiction rendering the matter void. 1. the matter was pending before the Hamilton County Appellate Division in case as fully stated above in **N0. C-1300075** filed on 2-5-13 on appeal from case **N0. DV1300063** where briefs where due May 23 2013 while the City of Dayton continued to hold the Petitioner in jail on a number of false charges Judge John S. Pickrel retired Judge Catherine M. Barber, Attorney Gary Blake attorney Robert Hollencamp and several unknown other had met with the respondents and held the Petitioner for 88 days and while the hearings where going on with his biological son sustaining the RICO. See **Exhibit F. FALSE OBSTRUCTION CHARGES.**
30. In traffic case **N0. 2012 CRB5016** officer Donald L. Houser confirmed he recognized the Petitioner then arrested him using the memo on June 25 2012.
31. On April 4 2013 one day after David had been seized by 57 Police as stated in this Writ he was taken from 712 Meredith Street the City of Dayton, the Respondents conducted a door to door search arresting several family members in violation of the Commercial Codes of this Country.

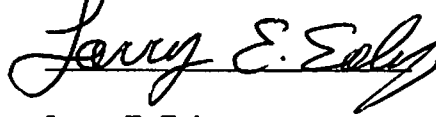
32. As stated the false charges in **2013-2003** went to the false charges in case **N0. 2012 CRB 5016**.
33. The City of Dayton in retaliation for the Petitioner having defeated them in **90CRB1728** In State v. Larry E. Ealy where the Dayton Police had assaulted him and he was maliciously prosecuted and was acquitted of all charges filed in the Courts Complex and he defeated all counts of assault, resisting arrest, disorderly conduct obstruction of official business filed by fired Police Officer Richard Scott Davis.
34. Davis who was charged with assault and battery against the Petitioner was discharged but never served his time in prison because assault in a multi County Court Complex upon the finding of guilt is mandatory jail time see case **N0. 91CR2238**.
35. Since discovery of Davis not doing his jail time and 20 million had been awarded to the Petitioner but stolen by the City of Dayton Ohio hread before U.S. District Judge Walter H. Rice see **90cv159**, appellate case **N0. 953969** before the Sixth Circuit confirming the damages claims and these retaliations that followed see **2014cv1218** before the Court of Federal Claims sustaining the damages and retaliations leading to abduction and kidnapping of the Petitioners son by listed Respondents to wit.
36. The current Director and Chief of Dayton Ohio Police Richard Biehl has ordered that the Petitioner and his family be stopped searched seized sight on sight in violation of the **RICO ACT** which is a part of ongoing continuity and predicated acts for suing the City of Dayton Ohio and Dayton Police for assault and battery. See **Exhibit G False Drug charges** in case **No. 2014 CRM7062**.

37. This case showing continuity and predicated acts is before the Dayton Municipal Court Complex. the Planted crack cocaine pipe and brilo pad was used to tarnish the name of the Petitioner because of the Ohio Governors race and the defeating of Ed FitzGerald in 2014, the crack pipe was planted in the Petitioners automobile in September of 2014 by Dayton Ohio Police Officer Gary Roesser.
38. See **Exhibit H**. drug charges planted by Reosser were put on the internet by U.S. Marshals Peter Tobin, IRS Agent Brad Bierman, Prosecuting attorney Alex Sistla and Judge Michael R. Barrett of the Southern District of Ohio using Lance Ealys tax case to slander the good name of the Petitioner.
39. Chris Cloud is a part of ongoing RICO he committed Prosecutorial misconduct. Nick Kuntz was prohibited from having the Petitioner arrested in violation of the Federal Civil Rights Act and Common Laws in America.
40. Defendants Respondents are part of a State -wide conspiracy to silence private citizens who are in opposition of corrupt Officers acting under the color of State laws of Ohio taking their children.
41. Other non-party conspirators in the State-wide conspiracy include but are not limited to Montgomery County Ohio Police Officers and its affiliates,
42. Respondents egregiously conspire together and act in furtherance of a conspiracy to deprive Petitioner of his civil rights in violation of 42 USC § 1985(3) of the Ku Klux Klan Act. Exhibit A to this complaint is a true and correct copy of denied complaint attempt sustaining 42 USC § 1985(3).

43. Respondents by their egregious actions, did abuse the statutes and civil process of law to deprive Petitioner of his civil rights under color of State and Federal law by Stalking, in violation of 42 USC § 1983 of the Ku Klux Klan Act.
44. Respondents and Unknown Police Officer of Montgomery County Ohio obtained significant assistance from other State of Ohio agents in depriving Petitioner of his rights.
45. Respondents by their inaction and negligence, failed to or refused to prevent or aid in preventing the conspiracy and acts in furtherance of the conspiracy against the civil right of Petitioner in violation of 42 USC § 1986 of the Ku Klux Klan Act.
46. Respondents by their egregious actions, did bring public scorn and defamation upon Petitioner.
47. Respondents and officers of the Court did perpetrate a crime or fraud against Petitioner and the attorneys both of them conspired to mis- representation(s) in his son's case.
48. Respondents knew or should have known that the contempt complaint lacked merit.
49. Respondents provided false information and ex-parte communication as attorneys, to the clerks, secretaries, assistants, support staff, using its office space, telephone lines.
50. The Respondents printing, postage, and other materials related to the incarceration of the Petitioner then the abduction of his minor son.
51. Respondents were aided in their conspiracy to deprive Petitioner of his civil rights.
52. No previous application for writ of habeas corpus has been made seeking the relief requested herein.

WHEREFORE, Petitioner demands that the Court cause the writ of habeas corpus to issue, and that the Court conduct a hearing thereon, and the Applicants can be discharged from illegal restraint, and that the Court continue to grant any and all relief necessary as it sees fit.

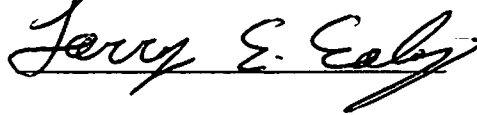
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry E. Ealy", written over a horizontal line.

Larry E. Ealy

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing will be mailed to all Respondents on this the _____ day of March 2016.

A handwritten signature in black ink, appearing to read "Larry E. Ealy", written over a horizontal line.

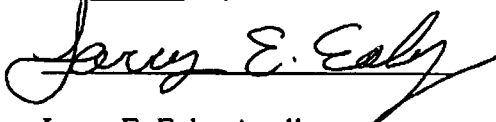
Larry E. Ealy

O A T H

THE STATE OF OHIO)

COUNTY OF MONTGOMERY)

"I, Larry E. Ealy Petitioner in the foregoing Application for Writ of Habeas Corpus, inmate in case No. 2013-2003, being presently confined in the State of Ohio and United States of America , do declare under penalty of perjury that all of the facts set out in the above Application are true and correct according to the belief of Petitioner. Executed on the _____ day of March, 2016.


Larry E. Ealy, Applicant

To Respondents your response to each paragraphed complaint is to be received through me no later than (7) days from this postmark to prevent issuance of a certificate verifying your non-response or default pursuant to my statutory authority.

I am Notarial Officer for Montgomery County, State of Ohio did witness the Affiants hand signature before me.

WITNESS: my hand and official seal.

 (Seal)

NOTARY PUBLIC DATE

Void where prohibited by law

My commission expires: 12/15/2020



Mary Jenkins
Notary Public, State of Ohio
My Commission Expires 12-15-2020